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WILLIAM KELANI CASTILLO

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM KELANI CASTILLO

Case No:

Plaintiffs,

vs.

COMPLAINT FOR DAMAGES,

COUNTY OF STANISLAUS, a public
entity, STANISLAUS COUNTY
SHERIFF'S DEPARTMENT; JEFF
DIRKSE; CAPTAIN SCOTT
HOUSTON; Sgt WHITE, Sgt WATSON,
Sgt ELLIOT, Sgt BOPS, Sgt GONZALES,
Custody Assistant SINGH and Custody
Assistant ROBINSON,

1. 42 USC 1983 Deliberate Indifference-
Eighth Amendment
2. 42 USC 1983 Deliberate Indifference-
Fourteenth Amendment
3. Monell Claims
4. 42 USC 1983 Deliberate Indifference-
Failure to Train/Supervise 4 & 14th
Amendment

Defendants.

Plaintiff, by and through his attorneys CURD, GALINDO & SMITH LLP, for
his Complaint against Defendants, state as follows:

JURISDICTION AND VENUE

1 1. This is a civil rights failure to protect action arising from defendants',
2 COUNTY OF STANISLAUS, a public entity, STANISLAUS COUNTY SHERIFF'S
3 DEPARTMENT; JEFF DIRKSE; CAPTAIN SCOTT HOUSTON; Sgt WHITE, Sgt
4 WATSON, Sgt ELLIOT, Sgt BOPS, Sgt GONZALES, Custody Assistant SINGH
5 and Custody Assistant ROBINSON and DOE defendants' negligence and deliberate
6 indifference which led to the sexual assault and rape of WILLIAM KELANI
7
8 CASTILLO on August 3, 2021. This action is brought pursuant to 42 USC §§ 1983
9 and 1988, and the Fourth, Eighth and Fourteenth Amendments to the United States
10 Constitution, as well as the laws and Constitution of the State of California.
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12 Jurisdiction is founded upon 28 USC §§ 1331 and 1343(a)(3) and (4), and the
13
14 aforementioned statutory and constitutional provisions. Plaintiffs further invoke the
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16 supplemental jurisdiction of this Court pursuant to 28 USC §1367 to hear and decide
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18 claims arising under state law. The amount in controversy herein, excluding interest
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20 and costs, exceeds the minimum jurisdictional limit of this Court.

21 2. Venue is proper in this Court under 28 USC §1391(b), because
22
23 Defendants reside in, and all incidents, events, underlying acts, omissions, injuries,
24
25 and occurrences giving rise to this action occurred in, the County of STANISLAUS,
26
27 which is in the Eastern District of California.

28 3. This is an action for damages against the Stanislaus County and each of
the additionally named Defendants as designated including Does (collectively as

1 "defendants") for their failure to protect a defenseless and vulnerable man entrusted
2 to their care, upon knowledge as to Plaintiff's information and belief as to all matters,
3 as follows hereto.
4

5 **PARTIES AND PROCEDURE**

6
7 4. The designated defendants, are employed by the County of Stanislaus. The
8 causes of action in this matter are based on violations of William Kelani Castillo's rights
9 under the U.S. Constitution.
10

11 5. Defendant COUNTY OF STANISLAUS ("COUNTY") is a public
12 entity established by the laws and Constitution of the State of California, and owns,
13 operates, manages, directs, and controls the COUNTY OF STANISLAUS
14 SHERIFF'S DEPARTMENT ("SSD"), a public agency subject to suit, which
15 employs other defendants in this action. In this case, the COUNTY and SSD acted
16 through agents, employees, and servants, including their policymakers and through
17 Defendant Sheriff JEFF DIRKSE ("DIRKSE"), the Sheriff of the SSD at the time the
18 underlying acts, omissions, events, injuries, and related facts upon which the present
19 action are based, who is sued herein in his individual capacity only.
20
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22

23 6. Defendant JEFF DIRKSE ("DIRKSE") was at the time of the
24 wrongdoing alleged hereinafter the duly appointed Sheriff of STANISLAUS County,
25 and exercised all powers assigned by law to that position. Pursuant to California
26 Government Code §26605, DIRKSE was under a duty to take charge of, and be the
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1 sole and exclusive authority to keep, the county jail and the inmates in it. (See, also,
2 California Government Code §§26610, California Penal Code §4006). In that
3 capacity, DIRKSE oversaw and supervised the SSD in the performance of the duties,
4 acts and omissions alleged hereinafter. He also exercised final policymaking
5 authority over the policies and practices of SSD with regard to treatment of inmates,
6 security procedures in jail facilities administered by the County of STANISLAUS
7 (“County Jail”), and the training and supervising SSD Deputies assigned to County
8 Jail facilities. DIRKSE is a “person” within the meaning of 42 U.S.C. §1983.

11
12 7. Defendant CAPTAIN SCOTT HOUSTON was at the time of the
13 wrongdoing alleged hereinafter the supervisor for the Adult Custody Division for the
14 STANISLAUS County jail and was delegated the duties for training, supervision of
15 the custody Sheriff deputies and custody assistants. He was the de facto
16 supervisor/operations manager for the Adult Central Jail.

18
19 8. At all times, Defendants COUNTY AND SSD, and each of them,
20 possessed the power and authority to adopt policies and prescribe rules, regulations,
21 and practices affecting all facets of the training, supervision, control, employment,
22 assignment and removal of individual members of the SSD, including those
23 individuals charged with protecting the health and safety of detainees and arrestees at
24 COUNTY detention facilities, including Plaintiff WILLIAM KELANI CASTILLO,
25 and to assure that said actions, policies, rules, regulations, practices and procedures of
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1 the SSD and its employees and agents comply with the laws and constitutions of the
2 United States and of the State of California.

3
4 9. At all times mentioned herein, Defendants DIRKSE, HOUSTON, and
5 DOES 1 through 10, inclusive, were residents within the County of STANISLAUS,
6 State of California.

7
8 10. Plaintiffs are informed and believe, and thereupon allege, that at all
9 times mentioned herein Defendants DIRKSE, HOUSTON, Sgt WHITE, Sgt
10 WATSON, Sgt ELLIOT, Sgt BOPS, Sgt GONZALES, Custody Assistant SINGH
11 and Custody Assistant ROBINSON and DOES 1 through 10, inclusive, were
12 employees, agents and/or servants of the COUNTY, acted within the course and
13 scope of said employment, agency and/or service, and possessed the power and
14 authority and were charged by law with the responsibility to enact policies and to
15 prescribe rules and practices concerning the operation of the COUNTY detention
16 facilities, including the Adult Central Jail and concerning the means by which the life
17 and safety of arrestees and detainees were to be secured, what criteria were to be used
18 for placing arrestees and detainees together in custody, what methods of placement of
19 an arrestee or detainee in a jail cell were appropriate to safeguard the life and safety
20 of the arrestee or detainee, the manner in which threats to the life and safety of an
21 arrestee or detainee were to be evaluated and acted upon, what safeguards were to be
22 in place to prevent inmates, arrestees or detainees who posed a threat to others in the
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1 facility from being permitted physical access to those others, what actions were to be
2 taken when an arrestee or detainee is attacked or injured while incarcerated within a
3 COUNTY detention facility, and what methods of surveillance were to be used
4 within each detention facility to ensure immediate response to and prevention of
5 incidents of violence occurring within jail cells, including holding cells.
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7
8 11. Plaintiff is ignorant of the true names and capacities of defendants sued
9 herein as DOES 1 through 10, inclusive, and therefore sues these defendants by such
10 fictitious names. Plaintiff is informed and believes, and thereon alleges, that each of
11 the fictitiously named defendants, is legally responsible, intentionally, negligently, or
12 in some other actionable manner, for the events and happenings hereinafter referred
13 to, and thereby legally caused the injuries, damages, and violations and/or deprivation
14 of rights hereinafter alleged. Plaintiffs will seek leave of Court to amend this
15 Complaint and state the true names and/or capacities of said fictitiously named
16 defendants when the same have been ascertained.
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18
19 12. The reason why Plaintiff is ignorant of the true names and capacities of
20 Defendants sued herein as DOES, inclusive, is that the same have been
21 unascertainable as of the date of filing of this complaint, as many of these DOES may
22 be SSD deputies, sergeants, captains, lieutenants, commanders, deputy chiefs, and/or
23 civilian employee agents, policy makers and representatives of the SSD, or
24 employees, agents and representatives of defendant COUNTY and others, and as
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1 such many of their records are protected by state statute and can only reasonably be
2 ascertained through the discovery process.

3
4 13. The individual defendants were at all times mentioned herein duly
5 appointed, qualified and acting officers of the SSD, acting within the course and
6 scope of such employment with the COUNTY and under color of law, to wit, under
7 color of the statutes, ordinances, regulations, policies, customs and usages of the State
8 of California and of the County of STANISLAUS.

9
10 14. Plaintiff is informed and believes and thereon alleges that each
11 Defendant so named was employed by Defendant COUNTY at the time of the
12 conduct alleged herein. Plaintiff alleges Defendants DOES 1 through 10, and each of
13 them were deliberately indifferent to Plaintiff's safety, failed to appropriately classify
14 him, failed to protect him from very dangerous inmates known as such to jail
15 classification staff, failed to conduct routine safety checks, failed to follow the
16 mandates of the Prison Rape Elimination Act (PREA), violated his civil rights,
17 wrongfully caused him to be sexually violated, and/or encouraged, directed, enabled
18 and/or ordered other defendants to engage in such conduct. Plaintiffs will amend their
19 complaint to state the names and capacities of DOES 1 through 10, inclusive, when
20 they have been ascertained.

21
22 15. Defendants Sheriff Deputies/custody assistants DOE 1 through DOE 10
23 at all material times were employed as law enforcement officers by Defendant
24

1 COUNTY OF STANISLAUS and were acting within the course and scope of that
2 employment. Defendants DOE 1 through DOE 10 are being sued in his/her
3 individual capacity.
4

5 16. Plaintiff is informed and believe and thereon allege that each of the
6 Defendants sued herein was negligently, wrongfully, and otherwise responsible in
7 some manner for the events and happenings as hereinafter described, and proximately
8 caused injuries and damages to Plaintiff. Further, one or more DOE defendants was
9 at all material times responsible for the hiring, training, supervision, and discipline of
10 other defendants, including Doe Defendants.
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13 17. Plaintiff is informed and believes, and thereon alleges, that each of the
14 Defendants was at all material times an agent, servant, employee, partner, joint
15 venturer, co-conspirator, and/or alter ego of the remaining Defendants, and in doing
16 the things herein alleged, was acting within the course and scope of that relationship.
17 Plaintiff are further informed and believes, and thereon allege, that each of the
18 Defendants herein gave consent, aid, and assistance to each of the remaining
19 Defendants, and ratified and/or authorized the acts or omissions of each Defendant as
20 alleged herein, except as may be hereinafter otherwise specifically alleged. At all
21 material times, each Defendant was jointly engaged in tortious activity, resulting in
22 the deprivation of Plaintiff's constitutional rights and other harm.
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1 18. The acts and omissions of all Doe Defendants as set forth herein were at
2 all material times pursuant to the actual customs, policies, practices and procedures of
3 the COUNTY OF STANISLAUS SHERIFF'S DEPARTMENT.
4

5 19. At all material times, each Defendant acted under color of the laws,
6 statutes, ordinances, and regulations of the State of California.
7

8 20. This complaint may be pled according to evidence later proven at trial
9 and in the alternative pursuant to FRCivP 8(e)(2).
10

11 **FACTS**

12 **A. General Allegations Regarding Policy and Practice**

13 21. Defendants COUNTY and SSD, acted with deliberate indifference, gross
14 negligence, and reckless disregard to the safety, security, and constitutional and
15 statutory rights of Plaintiff WILLIAM KELANI CASTILLO, and all persons
16 similarly situated, maintained, enforced, tolerated, permitted, acquiesced in, and
17 applied policies or practices of, among other things:
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20 a. Subjecting persons in their jails to violence perpetrated by other
21 detainees, arrestees, or inmates.
22

23 b. Selecting, retaining, and assigning deputies, civilian personnel and
24 civilian volunteers to their jails who exhibit deliberate indifference and reckless
25 disregard for the safety, security and constitutional and statutory rights of detainees,
26 arrestees and inmates;
27

1 c. Failing to take adequate security measures to protect detainees,
2 arrestees and inmate from unnecessary harm, including but not limited to, the
3 following: Separation of detainees and arrestees from potentially violent or dangerous
4 inmates; use of security cameras to monitor violence within jail cells, including
5 holding cells; training deputies, civilian personnel and civilian volunteers to monitor
6 detainees and inmates and immediately respond to acts of violence, or threats of
7 violence; separating and/or closely monitoring mentally ill inmates who are unable to
8 care for themselves and pose an imminent threat to themselves and/or others;
9 recognizing potentially volatile situations and circumstances that are likely to erupt
10 into violence.
11

12 d. Failing to adequately train, supervise, and control deputies, civilian
13 employees or volunteers in the arts of law enforcement;
14

15 e. Failing to adequately discipline deputies or civilian employees
16 involved in misconduct; and
17

18 f. Condoning and encouraging deputies and civilian employees in the
19 belief that they can violate the rights of persons such as the Plaintiff, WILLIAM
20 KELANI CASTILLO, in this action with impunity, and that such conduct will not
21 adversely affect their opportunities for promotion and other employment benefits.
22

23 23. Plaintiffs are informed and believe, and on the basis of such information
24 and belief alleges, that defendants COUNTY and SSD ordered, authorized,
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1 acquiesced in, tolerated, or permitted other defendants herein to engage in the
2 unlawful and unconstitutional actions, policies, practices, and customs set forth in the
3 preceding paragraphs. Defendants' conduct as alleged herein constitutes a pattern of
4 constitutional violations based either on a deliberate plan by defendants or on
5 defendants' deliberate indifference, gross negligence, or reckless disregard to the
6 safety, security, and constitutional and statutory rights of Plaintiff, WILLIAM
7
8 KELANI CASTILLO.
9

10 **B. The Incident**

11
12 24. WILLIAM KELANI CASTILLO, was arrested and booked into
13 Stanislaus County Jail County of STANISLAUS Sheriff Department Jail is located at
14 200 E Hackett Road Modesto CA 95358, where he was held as a pre-trial detainee.
15

16 25. On information and belief, Plaintiff alleges that he, WILLIAM KELANI
17 CASTILLO agreed to cooperate in a murder case being prosecuted by the District
18 Attorney's Office of Stanislaus County by Assistant District Attorney, Marlisa
19 Ferreira, against a known gang member.
20

21 26. Based on information and belief, Plaintiff alleges that on or about July
22 15, 2021 Assistant District Attorney, Marlisa Ferreira notified Stanislaus County
23 Sheriff's Department and advised SSD that Plaintiff needed to be placed in protective
24 custody and segregated from gang members as Plaintiff would be testifying against
25 one of the members in a murder case.
26
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1 27. Stanislaus County Sheriff's Office and its deputies and custody
2 assistants, defendants, DIRKSE, HOUSTON, Sgt White, Sgt Watson, Sgt Elliot
3 Sgt Bops, Sgt Gonzales, Custody Assistant Singh and Custody Assistant Robinson
4 failed to follow and heed Assistant District Attorney, Marlisa Ferreira, request and
5 warning to provide Plaintiff protection against retaliation for his cooperation in the
6 pending murder case.
7

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9 28. As a result of the failures, the deliberate indifference and constitutional
10 violations by DIRKSE, HOUSTON, Sgt WHITE, Sgt WATSON, Sgt ELLIOT
11 Sgt BOPS, Sgt GONZALES, Custody Assistant SINGH and Custody Assistant
12 ROBINSON, Plaintiff was attacked, assaulted and stabbed by Dominik Britt, a
13 known gang member.
14

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16 29. Based on information and belief Plaintiff thereon alleges that on or about
17 August 3, 2021 WILLIAM KELANI CASTILLO was stabbed by fellow inmate
18 defendant, Dominik Britt. DIRKSE, HOUSTON, Sgt White, Sgt Watson, Sgt Elliot,
19 Sgt Bops, Sgt Gonzales, Custody Assistant Singh and Custody Assistant Robinson,
20 were instructed by Assistant District Attorney, Marlisa Ferreira, to provide Plaintiff
21 protection against the very conduct she warned about.
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24 30. As a result of the failures, the deliberate indifference and constitutional
25 violations by DIRKSE, HOUSTON, Sgt White, Sgt Watson, Sgt Elliot, Sgt Bops,
26 Sgt Gonzales, Custody Assistant Singh and Custody Assistant Robinson, Plaintiff
27

1 was attacked, assaulted and sexually assaulted/raped by Stephen De La Torre, on
2 August 3, 2021.

3
4 31. Plaintiff, based on information and belief, alleges that Defendants
5 COUNTY OF STANISLAUS and its employees, DIRKSE, HOUSTON, Sgt White,
6 Sgt Watson, Sgt Elliot, Sgt Bops, Sgt Gonzales, Custody Assistant Singh and
7 Custody Assistant Robinson and DOE deputies 1 through 10, acted with deliberate
8 indifference and violated the Plaintiff's civil rights and constitutional rights which led
9 to Plaintiff's injuries.
10

11
12 32. Defendants COUNTY OF STANISLAUS and its employees, DIRKSE,
13 HOUSTON, Sgt White, Sgt Watson, Sgt Elliot, Sgt Bops, Sgt Gonzales, Custody
14 Assistant Singh and Custody Assistant Robinson and DOE deputies 1 through 10,
15 while in the course and scope of their employment as deputy sheriffs, supervisors,
16 custody assistants or classification officers for the COUNTY OF STANISLAUS, also
17 acted with deliberate indifference when they improperly classified WILLIAM
18 KELANI CASTILLO for housing and special classification and allowed him to be
19 housed with Dominik Britt, Stephen De La Torre known to be a gang members.
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23 33. Plaintiff, based on information and belief, alleges that COUNTY OF
24 STANISLAUS and its employees, DIRKSE, HOUSTON, Sgt White, Sgt Watson,
25 Sgt Elliot, Sgt Bops, Sgt Gonzales, Custody Assistant Singh and Custody Assistant
26 Robinson and DOE deputies 1 through, knew or should have known that Dominik
27

1 Britt and Stephen De La Torre, were gang members and were extremely violent and
2 would pose a deadly threat or risk of severe bodily injury to Plaintiff mentally
3 unstable when he was booked into STANISLAUS County Men's Central Jail and or
4 at the Inmate Reception Center and placed in a general population unit with decedent
5 and other low level security risk inmates.
6

7
8 33. Plaintiffs, based on information and belief, allege that COUNTY OF
9 STANISLAUS and its employees, STANISLAUS COUNTY SHERIFF employees,
10 DIRKSE, HOUSTON, Sgt White, Sgt Watson, Sgt Elliot, Sgt Bops, Sgt Gonzales,
11 Custody Assistant Singh and Custody Assistant Robinson and DOES 1 through 10,
12 knew or should have known that Dominik Britt and Stephen De La Torre, were gang
13 members and were extremely violent and would pose a deadly threat or risk of severe
14 bodily injury to Plaintiff.
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17 34. The Defendant, COUNTY OF STANISLAUS and its employees,
18 supervisory Command Staff failed to properly train the subordinate detention officers
19 and deputies DOES 1 through 10 regarding the responsibilities associated with their
20 respective employment positions and failed to ensure that the subordinate correctional
21 officers were properly performing their duties.
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24 35. The Defendant, COUNTY OF STANISLAUS and its employees,
25 supervisory Command Staff were responsible for the health and safety of Plaintiff
26 WILLIAM KELANI CASTILLO because he was in their custody, they had
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1 “stripped [him] of virtually every means of self-protection and foreclosed [his] access
2 to outside aid.”

3
4 36. The Defendant, COUNTY OF STANISLAUS and its employees,
5 supervisory Command Staff may not delegate the constitutional duties that they owed
6 to Decedent WILLIAM KELANI CASTILLO to subordinate employees.
7

8 **DAMAGES**

9 37. As a direct and proximate result of each Defendant’s acts and/or
10 omissions as set forth above, Decedent WILLIAM KELANI CASTILLO sustained
11 the following injuries and damages, past and future, including, but not limited to:
12

- 13 a. Violation of constitutional rights;
14
15 b. All damages and penalties recoverable under 42 USC §§ 1983 and
16 1988, and as otherwise allowed under California and United States statutes, codes,
17 and common law;
18
19 c. WILLIAM KELANI CASTILLO’s pain and suffering, pursuant to
20 federal civil rights law;

21 38. The wrongful acts of the individually named defendants and DOE
22 defendants excluding defendants COUNTY AND SSD, were willful, oppressive,
23 intentional, and malicious; therefore, punitive damages should be assessed against
24 defendants in an amount deemed sufficient to punish and deter defendants and others
25 in similar positions of authority from engaging in similar conduct in the future.
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1 39. Pursuant to 42 U.S.C. section 1988(b), Plaintiff is entitled to recover his
2 reasonable attorney fees incurred herein.

3
4 40. The PREA was passed into federal law in 2003 and was enacted in
5 California by Assembly Bill 550, which was called the Sexual Abuse in Detention
6 Elimination Act (SADEA). The standards set forth in the PREA and SADEA apply to
7 all prison, jails and juvenile detention facilities in California. These laws set forth
8 legal standards with the intent of eliminating rape and sexual assaults inside
9 correctional facilities. The foregoing laws were applicable to the STANISLAUS
10 County Jail at all times relevant to the present lawsuit.

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12
13 41. PREA requires in part that jails institute: formal training programs,
14 institutional and inmate reporting, screening for risk of victimization and abusive
15 characteristics, inmate education, protective custody, responsive planning protocol
16 for investigations and examinations of rape victims, disciplinary actions, medical
17 care, data collection and other obligations.

18
19
20 42. DEFENDANTS custom and practice was at all relevant times not
21 compliant with numerous sections of PREA. DEFENDANT DIRKSE was the final
22 policy maker in the STANISLAUS County jail. DEFENDANTS DIRKSE,
23 HOUSTON, Sgt White, Sgt Watson, Sgt Elliot, Sgt Bops, and Sgt Gonzales knew, or
24 must have known, that the jail was not complying with the investigative, procedural
25 record keeping and evidence collecting requirements of PREA. In this way,
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1 DEFENDANTS DIRKSE and HOUSTON created a policy which failed to comply
2 with PREA. Specifically, MR. CASTILLO never received any education on PREA
3 and was not screened consistent with PREA. On information and belief, neither were
4 Dominik Britt and Stephen De La Torre were screened by jail staff as potential sexual
5 abusers/predators. Contrary to PREA, jail staff, upon learning of the assault,
6 expressly made MR. CASTILLO feel as though he was not a “man” for having
7 “permitted” the assault to occur. DEFENDANTS’ custom and practice was to not
8 properly train jail staff on sexual assault investigations and preservation of evidence.
9 Upon learning of the assault, MR. CASTILLO was permitted to shower and
10 significant evidence was not preserved, either on MR. CASTILLO’s body or in the
11 cell. MR. CASTILLO’s transport to the hospital was significantly delayed. Further,
12 on information and belief, neither Dominik Britt and Stephen De La Torre faced any
13 penalty or punishment despite repeatedly raping and torturing MR. CASTILLO over
14 the course of greater than 12 hours.
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20 43. The DEFENDANTS’ custom and practice was to not adequately train
21 jail staff to conduct sexual assault investigations and preserve critical evidence. Jail
22 officials did not use a rape kit on MR. CASTILLO to collect evidence. The failure of
23 the STANISLAUS County jail and its staff to take the mandatory actions set forth in
24 the PREA despite their subjective knowledge of the risks of sexual assault in prison
25 for which the PREA was instituted constitute deliberate indifference to the health,
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1 well-being and due process rights of MR. CASTILLO resulting in his injuries. The
2 jail did not follow through with its investigative duties under the PREA, did not give
3 Mr. CASTILLO the investigative notices owing to him and did not train its staff to do
4 so in deliberate indifference to MR. CASTILLO's rights.
5

6 **FIRST CLAIM FOR RELIEF**

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8 **EIGHTH AMENDMENT – UNUSUAL PUNISHMENT**

9 **(42 USC §1983 Deliberate Indifference)**

10 **(PLAINTIFF AGAINST DIRKSE, HOUSTON, Sgt White, Sgt Watson, Sgt**
11 **Elliot, Sgt Bops, Sgt Gonzales, Custody Assistant Singh and Custody Assistant**
12 **Robinson and DOES 1 through 10)**

13
14 44. Plaintiff realleges and incorporate by reference the allegations in
15 paragraphs 1 through 43 above as though fully set forth herein.

16 53. Individual defendants, DIRKSE, HOUSTON, Sgt White, Sgt Watson,
17 Sgt Elliot, Sgt Bops, Sgt Gonzales, Custody Assistant Singh and Custody Assistant
18 Robinson and DOES 1 through 10 in their individual capacity, acting under the color
19 of state law in their individual capacities, deprived WILLIAM KELANI CASTILLO
20 of his civil rights under the Fourth, Fifth, Eighth and Fourteenth Amendments to the
21 United States Constitution when they subjected him to cruel and unusual punishment
22 and acted with deliberate indifference and reckless disregard toward MR. CASTILLO
23 right to be free from unreasonable seizures, and afforded due process of law and by,
24 among other things, the following acts:
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1 a. Placing MR. CASTILLO a vulnerable pretrial detainee, in a
2 crowded holding cell with a much larger, severely mentally unstable violent felon,
3 and whom defendants knew had recently exhibited aggressive and combative
4 behavior, without watching, monitoring, or protecting MR. CASTILLO;
5

6 b. Failing to provide MR. CASTILLO reasonable security and safe,
7 appropriate housing and monitoring to accommodate his own mental health condition
8 and his vulnerability to abuse and assaults by other inmates.
9

10 c. Causing MR. CASTILLO to remain in the cell with the dangerous
11 and aggressive arrestee known to be against Plaintiff's interest under circumstances
12 which were conducive to the eruption of violence, when defendants knew, or should
13 have known, that an altercation had erupted, further violence was imminent, and MR.
14 CASTILLO had already been known to be required to be in protected custody as he
15 was cooperating with the murder trial.
16

17 d. Failing to properly assess and classify inmates based on their
18 mental health status.
19

20 45. The listed Defendants further knew or must have known that MR.
21 CASTILLO was vulnerable to injury, suffering, and attacks by other inmates, and
22 that if reasonable measures were not taken to abate that risk, MR. CASTILLO suffer
23 serious bodily injury or death.
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1 46. DEFENDANTS DIRKSE, HOUSTON, Sgt White, Sgt Watson, Sgt
2 Elliot, Sgt Bops, Sgt Gonzales, Custody Assistant Singh and Custody Assistant
3 Robinson and DOES 1 through 10, subjectively knew or should have known that at
4 all times the 2003 Prison Rape Elimination Act (“PREA”) 28 C.F.R. Part 115 and 42
5 U.S.C. § 15609(7) and SADEA was in effect and applicable to the Stanislaus County
6 Jail. At all times jail staff failed to meet basic standards of care within the PREA for
7 training, screening, response and investigation, etc. The above acts and omissions,
8 while carried out under color of law, have no justification or excuse in law, and
9 instead constituted a gross abuse of governmental authority and power, shock the
10 conscience, are fundamentally unfair, arbitrary and oppressive, and unrelated to any
11 activity in which governmental officers may appropriately and legally undertake in
12 the course of protecting persons or property, or ensuring civil order. The above acts
13 and omissions were consciously chosen from among various alternatives.

14 47. The listed Defendants’ failure to intervene, prevent, or stop the
15 constitutional violations by others, of which each listed Defendant knew or must have
16 known, and when each listed Defendant was in a position to so intervene when such
17 violations were occurring, also renders such Defendant(s) liable for these violations.

18 48. All Defendants subjected Plaintiff to their wrongful conduct, depriving
19 Plaintiff of the rights described herein, knowingly, maliciously, and with deliberate
20 indifference and conscious and reckless disregard for whether the rights and safety of
21

1 WILLIAM KELANI CASTILLO and others would be violated by their acts and/or
2 omissions.

3
4 49. As a proximate result of the foregoing wrongful acts and/or omissions,
5 Plaintiff sustained injuries and damages, as set forth above. Plaintiff is therefore
6 entitled to general and compensatory damages in an amount to be proven at trial.
7

8 50. In committing the acts alleged above, the individually named Defendants
9 and DOE Defendants acted maliciously, oppressively, and/or with reckless disregard
10 for the rights, safety, and well-being of Plaintiff, and by reason thereof, Plaintiff is
11 entitled to punitive damages and penalties allowable under 42 U.S.C. § 1983, no
12 punitive damages are sought directly against the municipal Defendants.
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16 **SECOND CLAIM FOR RELIEF**

17 **FOURTEENTH AMENDMENT – FAILURE TO PROTECT**

18 **(Pursuant to 42 U.S.C. § 1983)**

19
20 **(PLAINTIFF AGAINST DIRKSE, HOUSTON, Sgt White, Sgt Watson, Sgt**
21 **Elliot, Sgt Bops, Sgt Gonzales, Custody Assistant Singh and Custody Assistant**
22 **Robinson and DOE deputies 1 through 10)**

23 51. Plaintiff realleges and incorporates by reference the allegations in
24 paragraphs 1 through 50 above as though fully set forth herein.

25 52. At all times relevant here, the individual defendants and DOE defendants
26 1 through 10 were present and were charged with the constitutional duties of
27

1 protection of MR. CASTILLO and were charged with the duty to not knowingly,
2 with wanton disregard, cause his life, health and safety to be placed in danger by
3 intentionally and/or deliberately ignoring the known dangers to MR. CASTILLO that
4 their actions and/or omissions placed him in.
5

6 53. Each defendant had ample and reasonably sufficient time and
7 opportunity to so intervene and prevent MR. CASTILLO's injuries, and was
8 compelled to do so as a Sheriff's deputy or authorized civilian employee under the
9 laws of the State of California and under the Constitution of the United States of
10 America. In deliberate indifference to the life and welfare of MR. CASTILLO, each
11 said Defendant intentionally and with deliberate indifference to the civil rights of
12 MR. CASTILLO, refrained from intervening in the acts leading to MR. CASTILLO's
13 injuries.
14

15 54. As a result thereof, MR. CASTILLO's rights under the Fourth and
16 Fourteenth Amendments to the U.S. Constitution were violated. As a further result
17 thereof, MR. CASTILLO sustained the injuries and damages alleged herein,
18 including injury, trauma and physical pain.
19

20 55. The conduct of the individual DEFENDANTS DIRKSE, HOUSTON,
21 Sgt White, Sgt Watson, Sgt Elliot, Sgt Bops, Sgt Gonzales, Custody Assistant Singh
22 and Custody Assistant Robinson and DOES 1 through 10 was intentional, malicious,
23 willful, wanton and in reckless disregard of MR. CASTILLO's constitutional rights
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1 and/or grossly negligent in that this conduct shocks the conscience and is
2 fundamentally offensive to a civilized society, so as to justify the imposition of
3 punitive damages on the individual Defendants.
4

5 56. Defendants designation and placement of WILLIAM KELANI
6 CASTILLO in with his attackers, placed WILLIAM KELANI CASTILLO at
7 substantial risk of suffering serious injury and harm.
8

9 57. Defendants failed to reasonably institute measures to abate the risks to
10 MR. CASTILLO even though those risks of serious injury and harm were high and
11 well known and thus Defendants' conduct was negligent and objectively
12 unreasonable.
13

14 **THIRD CLAIM FOR RELIEF**

15 **Municipal Liability for Unconstitutional Custom or Policy**

16 **(42 USC §1983)**

17 **(BY PLAINTIFF AGAINST DEFENDANTS COUNTY OF STANISLAUS/**
18 **SSD; DIRKSE & HOUSTON)**
19

20 58. Plaintiff realleges and incorporate by reference in paragraphs 1 through
21 57 above as though fully set forth herein.
22

23 59. Defendants DIRKSE and HOUSTON failed to take action to protect
24 MR. CASTILLO from injuries he received by failing to make system-wide reforms to
25 protect all inmates, including Plaintiff from harm caused by other inmates
26 negligently processed.
27

1 60. The events that led to MR. CASTILLO's rape is similar to other attacks
2 by inmates on inmates in the recent past of which defendants DIRKSE and
3 HOUSTON were aware or should have been aware.
4

5 61. Moreover, defendants DIRKSE and HOUSTON had a duty in their
6 positions as overseers and managers of the jail to take action to protect inmates from
7 harm, including Plaintiff.
8

9
10 62. Plaintiff is informed and believe and thereon allege that, at all times
11 herein mentioned, defendants COUNTY OF STANISLAUS and SSD, with deliberate
12 indifference, and conscious and reckless disregard to the safety, security and
13 constitutional and statutory rights of plaintiff, maintained, allowed, encouraged,
14 enforced, tolerated, ratified, permitted, acquiesced in, and/or applied, among others,
15 the following policies, practices, and customs:
16
17

- 18
19 a. failing to adequately train, supervise, and control custodians of jail
20 inmates in the proper recognition of dangerous inmates and
21 violent situations;
22
23 b. failing to adequately train, supervise, and instruct custodians of
24 jail inmates in properly monitoring, deterring, controlling and
25 responding to inmate altercations and violence;
26
27

- c. failing to use appropriate and generally accepted law enforcement procedures in handling emotionally disturbed and/or medically disabled persons;
- d. failing to establish policies and procedures that enable prompt identification and separation of severely emotionally disturbed and/or medically disabled persons, dangerous or violent inmates from other inmates, detainees or arrestees;
- e. failing to adequately train, supervise, and control custodians of jail inmates in the proper response to threats of violence and/or actual violence;
- f. failing to maintain adequate surveillance at the Inmate Reception Center inmate holding cells, to ensure safety of the pretrial detainees and other inmates being held there, especially those that are so mentally unstable that they are unable to care for themselves and present a danger to themselves or others;
- g. failing to establish policies and procedures to reduce the risk of inmate injury by providing for immediate response to inmate violence or threats of violence;

- 1 h. failing to use appropriate and generally accepted law enforcement
2 procedures in handling persons experiencing medical
3 emergencies;
4
- 5 i. To cover-up violations of constitutional rights by any or all of the
6 following:
7
- 8 i. by failing to properly investigate and/or evaluate complaints or
9 incidents of excessive and unreasonable force, unlawful
10 seizures, and/or handling of emotionally disturbed persons;
11
- 12 ii. by ignoring and/or failing to properly and adequately
13 investigate and discipline unconstitutional or unlawful police
14 activity; and
15
- 16 iii. by allowing, tolerating, and/or encouraging Sheriff Deputies
17 to: fail to file complete and accurate police reports; file false
18 police reports; make false statements; intimidate, bias and/or
19 “coach” witnesses to give false information and/or to attempt
20 to bolster officers’ stories; and/or obstruct or interfere with
21 investigations of unconstitutional or unlawful police conduct,
22 by withholding and/or concealing material information;
23
- 24 j. To allow, tolerate, and/or encourage a “code of silence” among
25 law enforcement officers and police department personnel,
26
27
28

1 whereby an officer or member of the department does not provide
2 adverse information against a fellow officer or member of the
3 department; and,
4

5 k. To use or tolerate inadequate, deficient, and improper procedures
6 for handling, investigating, and reviewing complaints of officer
7 misconduct made under California Government Code § 910 et
8 seq.
9

10 63. Defendants COUNTY, SHERIFF DIRKSE and HOUSTON and DOES
11
12 1-10 maintained a policy or de facto unconstitutionally informal custom or practice of
13 permitting, ignoring and condoning jail personnel to delay in providing adequate
14 inmate classification all to the detriment to the safety and welfare of Mr. CASTILLO.
15
16 Defendants COUNTY, SHERIFF DIRKSE and HOUSTON and DOES 1-10
17 maintained a policy or de facto unconstitutionally informal custom or practice of
18 failing to regularly and properly observe inmates and cell conditions in violation of
19 Defendants' own policies as well as state guidelines, rules and regulations, all to the
20 detriment to the safety and welfare of Mr. CASTILLO. Defendants COUNTY,
21 SHERIFF DIRKSE and HOUSTON and DOES 1-10 maintained a policy or de facto
22 unconstitutionally informal custom or practice of failing to respond to inmate
23 complaints of unsafe conditions and classifications failure to control jail staff
24 including inadequate intake and screening, failure to supervise, lax supervision,
25
26
27
28

1 failure to report, investigate, and reprimand Jail personnel's wrongful conduct, in
2 addition to other known deficiencies alleged in this action.

3
4 64. PLAINTIFF alleges that Defendant COUNTY maintained a policy,
5 custom or practice of failing to provide adequately trained staff in the jail causing a
6 failure to properly classify, house, educate and monitor the inmates.

7
8 65. PLAINTIFF alleges that Defendant COUNTY maintained a policy,
9 custom or practice of failing to provide the jail with adequate security staff and
10 adequate beds for inmate housing.

11
12 66. At all times the PREA was in effect and applicable to the Stanislaus
13 County Jail. At all times jail staff failed to meet basic standards of care within the
14 PREA for training, screening, response and investigation.

15
16 67. PLAINTIFF is further informed and believes and thereon alleges that as
17 a result of the deliberate indifference, deliberate and/or conscious disregard of the
18 misconduct by DOES 1-10, and/or each of them, Defendants COUNTY, SHERIFF
19 DIRKSE and HOUSTON and DOES 1-10 and/or each of them, encouraged the Jail
20 personnel to continue their course of deliberate indifference and caused this lack of
21 training in Jail personnel, resulting in the violation of the PLAINTIFF's rights as
22 alleged herein.

23
24
25 68. The aforementioned acts and/or omissions and/or deliberate indifference
26 by high ranking STANISLAUS COUNTY officials, including high ranking
27

1 STANISLAUS Sheriff's Department Supervisors, Defendants COUNTY, SHERIFF
2 DIRKSE and HOUSTON and DOES 1-10, and each of them resulted in the
3 deprivation of PLAINTIFF's constitutional rights. These customs, practices or
4 policies were the legal cause of PLAINTIFFS' injuries, and each individual
5 DEFENDANT acting in accord with this custom, policy or practice acted with
6 deliberate indifference to the needs of persons such as MR. CASTILLO, who was in
7 the custody and care of DEFENDANTS.
8

9
10 69. As a direct and proximate result of the foregoing, Plaintiff sustained
11 serious and permanent injuries and are entitled to damages, penalties, costs and
12 attorney fees as more specifically stated above.
13

14 **FOURTH CLAIM FOR RELIEF**

15
16 **FAILURE TO TRAIN AND SUPERVISE (42 U.S.C. § 1983)**
17 **BY PLAINTIFFS AGAINST DEFENDANTS COUNTY/SSD, DIRKSE,**
18 **HOUSTON AND DOES IN THEIR INDIVIDUAL**
AND OFFICIAL CAPACITY

19 70. Plaintiff realleges and incorporates by reference in paragraphs 1 through
20 69 above as though fully set forth herein.
21

22 71. At all times mentioned herein and prior thereto, defendants COUNTY/
23 SSD, DIRKSE, HOUSTON and certain DOES had a duty to train, instruct, supervise
24 and discipline their subordinates to assure they respected and did not violate
25 constitutional and statutory rights of inmates, and to objectively investigate violations
26 of said prisoners' rights, including, but not limited to, the right to be free of infliction
27

1 of cruel and unusual punishment by torture and the right to be safe and protected
2 from injury while in defendants' custody, under the Fourth, Eighth and Fourteen
3 Amendments to the U.S. Constitution.
4

5 72. Plaintiff is informed and believes, and thereupon alleges, that prior to the
6 incident alleged herein, defendants DIRKSE, HOUSTON and certain DOES
7 facilitated, permitted, ratified and condoned similar acts of inmate on inmate assaults,
8 and were deliberately indifferent to the health and safety of inmates in general and
9 Mr. Castillo in particular. Said defendants knew, or reasonably should have known,
10 of this practice, pattern or policy of constitutional violations, and additionally, of the
11 existence of facts and situations which created the potential of unconstitutional acts,
12 and had a duty to instruct, train, supervise and discipline their subordinates to prevent
13 similar acts to other persons, but failed to do so.
14
15
16

17 73. As a result thereof, Mr. Castillo's rights under the Fourth and Fourteenth
18 Amendments to the U.S. Constitution were violated. As a further result thereof, Mr.
19 Castillo suffered the injuries and damages alleged herein.
20

21 74. The conduct of the individual defendants mentioned herein, in their
22 individual capacities, was intentional, malicious, willful, wanton and in reckless
23 disregard of Mr. Castillo's constitutional rights and/or grossly negligent in that this
24 conduct shocks the conscience and is fundamentally offensive to a civilized society,
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1 so as to justify the imposition of punitive damages on these Defendants in their
2 individual capacity.

3
4 **PRAYER**

5 WHEREFORE, Plaintiff prays for judgment against Defendants and each of them, as
6 follows:

7
8 AS TO THE FIRST and SECOND CLAIMS FOR RELIEF AS APPLICABLE

- 9 1. For General damages according to proof;
10 2. For Special damages according to proof;
11 3. For Exemplary damages as provided by law, in an amount to be proved against
12 each individual Defendant;
13 4. For Attorney's Fees pursuant to 42 U.S.C § 1988
14 5. For Costs of suit;
15 6. For such other and further relief as the Court may deem proper.

16
17
18 AS TO THE THIRD AND FOURTH CLAIM FOR RLIEF AS APPLICABLE

- 19 1. For General damages according to proof;
20 2. For Special damages according to proof;
21 3. For Attorney's Fees pursuant to 42 U.S.C § 1988
22 4. For Costs of suit;

23
24
25 //

26
27 //

1 5. For such other and further relief as the Court may deem proper.

2 DATED: July 31, 2023

CURD, GALINDO & SMITH, LLP

3
4 /s/ Alexis Galindo

5 Alexis Galindo

6 Maximiliano Galindo

7 Attorneys for Plaintiff

8 **JURY DEMAND**

9 Plaintiff hereby requests a trial by jury.

10 DATED: July 31, 2023

CURD, GALINDO & SMITH, LLP

11
12 /s/ Alexis Galindo

13 Alexis Galindo

14 Maximiliano Galindo

15 Attorneys for Plaintiff